

## REMARKS

By the *Office Action* of 25 March 2003, Paper No. 4, Claims 1-19 are pending in the Application. Claims 1-8 stand rejected while Applicant has withdrawn Claims 9-19. By the present *Response and Amendment*, Applicant affirms the telephonic election, amends Claims 1, 3, and 8, and leaves unchanged Claims 2 and 4-7. No new matter is believed introduced by the present *Response and Amendment*. It is respectfully submitted that the present Application is in condition for allowance for the following reasons.

### **1. Election of Claims**

In response to the Examiner's request, Applicant hereby affirms the election of Claims 1-8 made on 30 January 2003 withdrawing Claims 9-19 from further consideration.

### **2. Response to 35 U.S.C. § 112, 2d Paragraph, Rejections**

Claims 1-8 stand rejected under 35 U.S.C. § 112, 2d paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Specifically, Claim 1 stands rejected for failing to provide antecedent basis for the "the absorbtion element" recitation and because the "bonding is present between the moisture-permeable top-layer material and the moisture-impermeable bottom layer material via perforations" recitation is unclear. Claim 3 stands rejected for failing to provide antecedent basis for the "the moisture-absorbing element" recitation. Lastly, Claim 8 stands rejected for failing to provide antecedent basis for the "the border regions thereof" recitation and because "it is unclear to what 'thereof' refers."

Applicant presently amends Claims 1, 3, and 8 and respectfully submits that these amendments overcome the outstanding § 112 rejections. Applicant provides antecedent basis for the recitations rejected in the *Office Action*, and Claim 8 has been amended for clarity.

Applicant respectfully submits that Claim 1 is not unclear in that the recitation of "bonding is present between the moisture-permeable top-layer material and the moisture-impermeable bottom-layer material via perforations, which are present in the moisture-absorbtion element" is not indefinite. This is disclosed in the *Specification*, Page 8, Paragraph 0041 describing the perforations in the moisture-absorption element.

### 3. Response to 35 U.S.C. § 103(a) Rejections

Claims 1-8 stand rejected under 35 U.S.C. § 103(a). Claims 1-5 and 7-8 are rejected as being unpatentable over Mavinkurve (U.S. Pat. No. 5,275,591) in view of Tanzer et al. (U.S. Pat. No. 5,562,645). Claim 6 is rejected as being unpatentable over Mavinkurve in view of Tanzer et al., and in further view of DeCarvalho et al. (U.S. Pat. No. 5,962,106). Applicant respectfully traverses these grounds of rejections.

#### A. Response to Rejection of Claims 1-5 and 7-8

Claims 1-5 and 7-8 are not obvious in view of Mavinkurve and Tanzer et al. Mavinkurve discloses a fluid barrier seal for a sanitary napkin having undergarment protecting flaps, while Tanzer et al. discloses an article with a soft absorbent pulp sheet that is intended to be discarded after a limited period of use. Mavinkurve and Tanzer et al. are non-analogous to Applicant's claimed invention and are not reasonably pertinent to the particular problem with which Applicant's claimed invention solves. Further, their combination does not result in Applicant's invention.

The Examiner alleges that it would have been obvious to one of ordinary skill in the art at the time of invention to bond the top-layer material and the moisture absorption element of Mavinkurve by local bonding as disclosed by Tanzer et al. The Examiner further contends that Mavinkurve discloses all aspects of the claimed invention, silent only to the bonding between the moisture-absorption element and the moisture-permeable top-layer material.

Mavinkurve's objectives include providing a sanitary napkin that prevents fluid transfer from a central absorbent element to flap absorbent areas to eliminate the problem of fluid transfer between a central absorbent material and the absorbent material found in the flaps connected to the central absorbent material. *Column 3, lines 27-43.* Tanzer et al., on the other hand, is directed to solving the problem associated with disposable absorbent articles and in particular disposable diapers. *Column 3, lines 1-8.* Applicant therefore respectfully asserts that the combination of Mavinkurve and Tanzer et al. is improper because it would not have been obvious for a person of ordinary skill in the art of washable-reusable pads to turn to the Mavinkurve sanitary napkin disclosure or the Tanzer et al. disposable diaper disclosure.

The Examiner's contention that Mavinkurve discloses all but one of the Applicant's claimed limitations presented in Claim 1 is also traversed. Applicant understands that Mavinkurve discloses a body fluid sealing means 10 disposed between a central absorbent material and the absorbent material found in the flaps of a sanitary napkin. *Column 4, lines 63-*

68. In further describing the body fluid sealing means 10, Mavinkurve discloses that the body fluid barrier seal is accomplished by bonding the cover together with the backing by melting an adhesive through the central absorbent tissues. In particular, Mavinkurve does not disclose a *washable* pad assembly where *“bonding is present between the moisture-permeable top-layer material and the moisture-impermeable bottom-layer via perforations in the absorbent material, which are present in the moisture-absorption element”* as recited in Claim 1. As Mavinkurve discloses:

The body fluid barrier seal 10 of this invention can consist of several material combinations. In one combination, at least a portion of the cover 38 or a portion of the backing 35 are melted through the absorbent tissues 30 and/or 31 to form body fluid sealing means 10. In this method the cover 38 can be made of apertured polyethylene or bicomponent film. The backing material 35 can also be made of heat sealable polyethylene or bicomponent film. In such a case, the cover 31, tissue 37 and backing 35 can be sealed by application of heat and pressure.

One preferred construction for this method includes a bicomponent cover and backing substantially as described in FIG. 6. The cover preferably comprises a coextrusion of polyethylene layer 61 and ethylene-vinyl-acetate layer 63. See Zuscik, U.S. Pat. No. 3,843,478 and Whitehead, U.S. Pat. No. 4,315,507, which are hereby incorporated by reference. Adjacent to the ethylene-vinyl-acetate layer 63 is the absorbent tissue 65, i.e. tissue 31, followed by another bicomponent barrier film. The bicomponent film corresponds with the impervious barrier layer n of the flaps 20 and 22, and preferably consists of a coextrusion of an ethylene-vinyl-acetate layer 64 next to the absorbent tissue 65 and a polyethylene layer 62 on the outside surface. Through application of heat and pressure, a fluid barrier seal, as depicted in FIG. 7, can be generated by heat flowing the ethylene-vinyl-acetate components 63 and/or 64 into the interstitial spaces of the absorbent tissue 65.

In an alternative preferred construction, a hot melt adhesive 84 of FIG. 8 or other suitable adhesive substance, i.e. water based emulsions, can be placed on the preferential absorbent tissue 83. By applying heat and pressure, the preferential hot melt adhesive bonds to the cover 81 and to the backing 82, through the preferred absorbent tissue 83, substantially as described in FIG. 9, to form a fluid barrier seal 10. This construction as opposed to the heat seal design, allows a manufacturer to use a single component film as the cover 81 and backing 82. *Column 7, lines 8-48 (emphasis added).*

Mavinkurve does not disclose a washable pad assembly where bonding is present between the moisture-permeable top-layer material and the moisture-impermeable bottom-layer via perforations in the absorbent material. In fact, Mavinkurve teaches away from Applicant's

claimed invention by heat sealing the cover and backing through the absorbent material as illustrated in Fig. 4 and described above. Also, the Examiner contends that the Mavinkurve sanitary napkin is washable, but Applicant finds no suggestion in Mavinkurve establishing this contention.

Regarding Tanzer et al., Applicant asserts that Tanzer et al. does not disclose or suggest Applicant's invention, nor the differences contended by the Examiner. In particular, reference number 46 does not relate to a moisture-absorption element but to a "surge management portion," which is not intended to or capable of performing absorption. Hence a bonding between a moisture-absorption element and the top-layer material and/or bottom layer material is not disclosed or suggested by Tanzer et al. Furthermore, Tanzer et al. neither discloses nor suggests perforations in the absorbent element and explicitly limits his invention to "disposable" absorbent articles which is in direct contradiction to Applicant's washable-reusable pad comprising perforations in the moisture absorption element.

Lastly, there is no suggestion to combine the cited prior art, as Examiner does, nor is there a reasonable expectation of success, nor a suggestion that when combined, the cited prior art references teach or suggest all of the claim limitations. Applicant respectfully submits that the combination of Mavinkurve and Tanzer et al. does not disclose or teach Applicant's invention because as stated above, neither disclosure teaches bonding the moisture-permeable top-layer material and the moisture-impermeable bottom-layer via perforations in the absorbent material. Additionally, Applicant submits that neither reference discloses or suggests perforations in the absorbent element. Further, the Tanzer et al. disclosure is explicitly limited to "disposable" absorbent articles which are not intended to be laundered or reused. *Column 2, line 67 - Column 3, line 5.* Applicant asserts that Mavinkurve and Tanzer et al. do not disclose, suggest, or teach a motivation to combine or any reasonable expectation of success with regard to **washable-reusable** pads. For the reasons discussed above, Applicant submits that Claim 1 is allowable over the cited prior art, and Claims 2-5 and 7-8 are similarly allowable since these depend from Claim 1.

#### **B. Response to Rejection of Claim 6**

Claim 6 stands rejected as being unpatentable over Mavinkurve in view of Tanzer et al. and in further view of De Carvalho et al. As discussed above, Claim 1 is believed allowable over Mavinkurve and Tanzer et al., and thus Claim 6, dependent upon Claim 1, is also believed allowable. Further, just as Mavinkurve and Tanzer et al. are primarily directed at solving problems associated with disposable absorbent materials such as sanitary napkins and diapers, the same is true with De Carvalho et al. De Carvalho et al.'s objective is to prevent sideways leaking from a disposable sanitary napkin that has been absorbed by the absorbent element in the sanitary napkin. *Column 1, lines 62-67.* Applicant asserts that De Carvalho et al. is non-analogous art, and can not be the basis of a § 103 rejection because the problem solved by De Carvalho et al. is not reasonably pertinent to the particular problem with which Applicant's claimed invention solves. As stated above, a person of ordinary skill in the art of washable-reusable pads would not have turned to the De Carvalho et al. sanitary napkin disclosures because it is not pertinent to the problem addressed by Applicant's claimed invention. Applicant also respectfully asserts that like Mavinkurve and Tanzer et al., De Carvalho et al. is silent about a washable article comprising an absorbent material with perforation.

#### **4. Fees**

Presently, the Application has one (1) independent Claim, and eight (8) total Claims. Thus, no Claim fees are due. This *Response and Amendment* is being filed within six months of the *Office Action*, and Applicant submits a check for a three month extension of time pursuant to 37 CFR § 1.1136(a). It is believed that no other fees are due, but if other fees are so due, authorization is hereby given to charge deposit account No. 20-1507.

### CONCLUSION

By the present *Response and Amendment*, the Application has been in placed in full condition for allowance. Accordingly, Applicant respectfully requests early and favorable action. Should the Examiner have any further questions or reservations, the Examiner is invited to telephone the undersigned Attorney at 404.885.2773.

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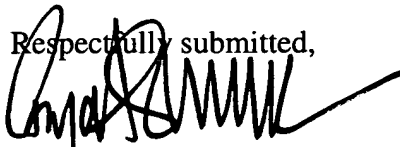
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24 September 2003

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Respectfully submitted,



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